

County of Tioga

Local Law No. 6 of the Year 2005.

A LOCAL LAW IN RELATION TO THE OPERATION OF VIDEO LOTTERY GAMING AT TIOGA DOWNS RACETRACK, LLC

BE IT ENACTED by the Legislature of the County of Tioga as follows:

SECTION 1. Legislative Intent.

The Tioga County Legislature hereby finds, declares and determines that, pursuant to section 1617-a of the New York State Tax Law, counties may authorize video lottery gaming at certain racetracks located within their boundaries upon the enactment of a local law. It is further determined that Tioga Downs Racetrack, LLC, located at 2384 West River Road, in the Town of Nichols, is located within the boundaries of the County of Tioga, and will be eligible to operate video lottery gaming terminals upon the authorization of the Tioga County Legislature contingent on the issuance of a racetrack license by the State of New York.

SECTION 2. Authorization.

Tioga Downs Racetrack, LLC is hereby authorized to operate video lottery gaming in accordance with section 1617-a of the New York State Tax Law subject to the licensure and rules and regulations promulgated by the division of the lottery when applicable.

SECTION 3. Severability.

If any clause, sentence, paragraph, section, part or provision of this local law shall be adjudged by any court or competent jurisdiction to be invalid, such adjudication shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, part or provision thereof directly involved in the proceeding or action in which such adjudication has been rendered.

SECTION 4. Effective Date.

This law shall be effective immediately upon filing with the Secretary of State in accordance with Section 27 of the New York Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2005 of the (County) of Tioga was duly passed by the Tioga County Legislature on June 14, 2005, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County) (City) (Town) (Village) of was duly passed by the on , 20 , and was (approved)(not disapproved)(repassed after disapproval) by the and was deemed duly adopted on , 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on , 20 , and was (approved)(not disapproved)(repassed after disapproval) by the on , 20 . Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on , 20 , in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of was duly passed by the on , 20 , and was (approved)(not disapproved)(repassed after disapproval) by the on , 20 . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of , 20 , in accordance with the applicable provisions of law.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the City of having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on , 20 , become operative.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Clerk of the County legislative body, City, Town
or Village Clerk or officer designated by local
legislative body

(Seal)

Date: June 14, 2005

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

State of New York

County of Tioga

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature
David M. Dutko
Title County Attorney
County of Tioga
City
Town
Village

Date: June 14, 2005